1	DENNIS J. HERRERA, State Bar #139669		
2	City Attorney WAYNE SNODGRASS, State Bar #148137 SHERRI SOKELAND KAISER, State Bar #197986 Deputy City Attorneys City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102-4682 Telephone: (415) 554-4691 Facsimile: (415) 554-4747 E-Mail: sherri.sokeland.kaiser@sfgov.org		
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7	Attorneys for Defendant THE SAN FRANCISCO RENT AND ARBITRATION BOARD		
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10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	VANCE S. ELLIOTT,	Case No. CV 08-2352 SBA	
13	Plaintiff,	CERTIFICATION OF INABILITY TO COMPLY WITH MEET AND CONFER REQUIREMENT FOR MOTION TO DISMISS	
14	vs.		
15	THE SAN FRANCISCO RENT AND		
16	ARBITRATION BOARD,  Defendant.	Hearing Date: Time: Place:	September 16, 2008 1:00 p.m. Courtroom 3
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20	I, Sherri Sokeland Kaiser, declare as follows:		
21	1. I am a Deputy City Attorney for the City and County of San Francisco, and I represen		
22	defendant Rent Board in the above-captioned case. I also represented the Rent Board in two cases		
23	(06-4842 SBA and 07-4446 SBA) brought by the same plaintiff, raising the same issue as the instant		
24	case, that were recently dismissed by this Court.		
25	2. Throughout the course of this prior litigation, I was required to meet and confer with		
26	plaintiff on several occasions. As he is now, plaintiff was proceeding pro se.		
27	3. When required to meet and confer, I invited plaintiff to meet with me at my office in		
28	City Hall. Initially, he accepted my invitations a Certification Of Inability To Meet And Confer	and we met on two occas	sions. n:\govlit\li2008\090102\00501142.dc

- 4. On November 6, 2007, I wrote a letter to plaintiff asking him to meet and confer with me in regard to a scheduling motion I intended to file that had a prior meet-and-confer requirement. He responded via a telephone message to my secretary that he would only agree to meet with me in his home. To the best of my knowledge and belief, plaintiff is a tenant in a single room occupancy hotel.
- 5. I declined to meet with plaintiff in his room and, again by letter, explained that it is my practice to meet in a business setting.
- 6. On November 20, 2007, I received a letter from plaintiff explaining that he refuses to meet with me other than in his home or during court proceedings. He compared my office to a room in which a "hooker . . . turns her tricks." A true and correct copy of that letter is attached hereto as Exhibit A.
- 7. Plaintiff did not respond to a subsequent written attempt to meet and confer prior to filing a case management conference statement on December 21, 2007.
  - 8. To the best of my knowledge and belief, plaintiff does not own a telephone.
- 9. Given that I am not willing to meet with plaintiff in his room at his SRO, and he is not willing to meet with me outside of it, I am unable to satisfy this Court's meet and confer requirements for this motion.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct to the best of my knowledge and belief. Executed this August 5, 2008, in San Francisco, California.

SHERRI SOKELAND KAISER

## **PROOF OF SERVICE**

I, DIANA QUAN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, #1 Dr. Carlton B. Goodlett Place – City Hall, Room 234, San Francisco, CA 94102.

On August 5, 2008, I served the following document:

• CERTIFICATION OF INABILITY TO COMPLY WITH MEET AND CONFER REQUIREMENT FOR MOTION TO DISMISS

on the following persons at the locations specified:

Vance S. Elliott The Baldwin House 74 Sixth Street, #227 San Francisco, CA 94103-1668

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

**BY PERSONAL SERVICE**: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed August 5, 2008, at San Francisco, California.

/s/ DIANA QUAN

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war Jherri,

Your letter of november 13 has reached me. In it you said that you will move in Sourt if necessary to consolidate two recent cases of ains so that they can be on the same schedule and can both be adressed at the same time.

If we had met in my home as I had requested I would have total you this: that I do not wish either to consolodate my cases or to extend the time required to accomplish this consolidation, nor as I interested in a dase management Conference, the reason being that then firing these cases I make a demand for a trial by a Mary. (I refer to Cases Nos. 07 06-4642, 07 06-4647 and 30 07-50256). In so doing I negated the reason for a Case Management Conference.

You also said that it is your practice to neet people in a pusiness setting and that is the reason why you have declined my invitation to meet in my home instead of in your office.

Let me tell you something. Ty knowledge of Social Tsychology tells me that your office the room, the domaine as it were of the average nooker turns her tricks. In her domaine she can better control her tricks during the sex act. Otherwise the could know take advantage of her. Infortunately I also know that used as she is to controlling her tricks, something she hearned at the may she was first turned out until the present, she has become a controlling person, a condition that will last for the remainder of her life. And this is also true of other professionals whe see their clients in their offices for the same reason and with the same result. There is tradjedy here in that they are also controled, not by others, although sometimes this is true, but by their training. In a larger sense, dear lady, arm't we all controlled by forces not of our own making! (Fere I have quoted from the writings of J. Fright Hills, the sociologist).

meet with me in my nome, you will not see me again until we meet in Court. Intil that may comes I am

Vence S. Ellatt